

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License)	NO. CR 2013-02023
to Conduct Gambling Activities of:)	
)	
Troy J. Wilcoxon)	FINDINGS, CONCLUSIONS,
Lewiston, Idaho,)	DECISION, AND FINAL
)	ORDER IN DEFAULT
Licensee.)	

THE MATTER of the revocation of the license to conduct gambling activities of Troy J. Wilcoxon having come before the Commission on February 13, 2014, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued license number 68-24682 to Troy J. Wilcoxon, authorizing Card Room Employee activity, formerly with Lancer Lanes Casino.

The license expires on February 22, 2014, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

On November 25, 2013, Director David Trujillo issued administrative charges to Troy J. Wilcoxon by regular mail. The administrative charges notified Mr. Wilcoxon that failure to respond would result in the entry of a default order revoking his license. Mr. Wilcoxon did not timely respond to the charges and waived his right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

Troy J. Wilcoxon was the subject of pending felony charges of 2nd Degree Burglary, 1st Degree Theft, and 2nd Degree Conspiracy to Commit Burglary were filed after he burglarized his former employer's establishment, Lancer Lanes Casino, in Clarkston.¹

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¹ After charges were issued and Mr. Wilcoxon's hearing request deadline had passed, Mr. Wilcoxon was convicted of all three counts.

FACTS:

- 1) A Washington State Gambling Commission Special Agent (agent) was assigned to Mr. Wilcoxon's file after receiving a tip that he was the subject in a burglary at a card room. As a result of the criminal investigation, Mr. Wilcoxon was terminated from his employment. Even though he is not linked to a card room, his license remains active.
- 2) As part of the investigation, the agent reviewed Mr. Wilcoxon's licensing file and saw he first applied for and was granted a card room employee license in 2007. He has maintained his license on and off since and has only worked at Lancer Lanes.
- 3) Mr. Wilcoxon's Defendant Case History showed that he was charged with Criminal Conspiracy, Burglary 2nd Degree and Theft 1st Degree. The case was set to go on trial on November 6, 2013 and was continued to January 7, 2014.
- 4) The agent requested certified copies of the Probable Cause and Information filed in Asotin County Superior Court. On June 17, 2013, an Information was filed in Asotin County Superior Court charging Mr. Wilcoxon with the following:
 - Count I: Burglary 2nd Degree, a class B felony. On or about May 23, 2013, Mr. Wilcoxon entered or remained unlawfully in a building with the intent to commit a crime.
 - Count II: Theft 1st Degree, a class B felony. On or about May 23, 2013, Mr. Wilcoxon wrongfully obtained or exerted unauthorized control over property to another; to-wit: U.S. currency valued in excess of \$5,000, with intent to deprive Lancer Casino of such property.
 - Count III: Conspiracy to Commit Burglary 2nd Degree, a class C felony. Between April 23, 2013, and May 23, 2013, Mr. Wilcoxon agreed with one or more persons to engage in or cause the performance of such conduct, and any one of them took a substantial step in pursuance of such agreement.
- 5) On June 17, 2013, a Motion and Declaration for Order Determining existence of Probable Cause, and Directing Issuance of Warrant, and Fixing Bail was filed in Asotin County Superior Court. This document states that the Deputy Prosecuting Attorney recommended bail at \$50,000 and a warrant to ensure Mr. Wilcoxon's appearance due to alleged flight risks based on the following:
 - On May 23, 2013, at approximately 02:00 hours, a burglary occurred at Lancer Lanes. The suspect was observed on video camera as he entered the business and stole approximately \$25,000 from the cashier's cage. There wasn't any forced entry and the backdoor was found unlocked. The video showed the suspect entered the business from the area of the back door and left the business through the west door. The suspect tried to conceal himself by placing a black plastic garbage bag over his upper body. However, he cut a hole in the bag for his face, which was partly visible in the video. He located the breaker box and turned off some of the lights in the business during the burglary.

- This was the third burglary at Lancer Lanes within several weeks. In the first attempt, the suspect tried to unsuccessfully force the back door open. Entry into the business was not made. On a second attempt, the back door was forced open, but the suspect was scared off by an employee (E1) who was in the building. E1 is a mentally challenged person and considers Lancer Lanes his second home. He does small jobs around the building and often sleeps in the business at night. He is articulate and slow in his verbal skills, but a very reliable witness.
 - During the investigation, the Detective found that on the evening of May 23, 2013, Mr. Wilcoxon and a friend were at Lancer Lanes and asked E1 if he wanted to go out drinking with them. E1 wasn't really interested, but Mr. Wilcoxon encouraged him and even offered to pay for his cover charge and buy him a drink. E1 thought this was very strange because Mr. Wilcoxon had never asked him to go out in the past.
 - Mr. Wilcoxon drove E1 to the bar where they met several other people. After Lancer Lanes closed at 00:45 hours, other employees from the casino arrived and met up with the group. Mr. Wilcoxon left shortly after they arrived. Some in the group thought it was strange that he left because he was the one who suggested that everyone meet at the bar and arranged the gathering. It was estimated the Mr. Wilcoxon left the bar between 01:00 and 01:30 hours.
 - E1 stated that about 02:00 hours, another person in the group, James Nollette, suddenly jumped up, left the table and was gone for at least 15 minutes. When Mr. Nollette returned to the table, E1 asked him where he was and Mr. Nollette said he had to take a very important phone call and decided to drive around the block.
- 6) On June 7, 2013, Mr. Wilcoxon was interviewed by the Detective. Mr. Wilcoxon admitted that he invited E1 to the bar, but denied any involvement with the burglary. He admitted that he and Mr. Nollette had just taken a trip to Las Vegas. They rented a car, stayed at the Rio Hotel and played in high stakes tournaments including one that had a \$1,500 entry fee. As the interview progressed, he got "very nervous and agitated." He allowed the Detective to look at his cell phone, but when the Detective asked for permission to conduct a forensic search on the phone, he became "very concerned and more nervous," and said he didn't want his phone checked.
- 7) On June 11, 2013, the Detective interviewed one of Mr. Nollette's friends who said that Mr. Nollette had admitted to him that he was involved in the burglary. Mr. Nollette confessed to his friend that Mr. Wilcoxon had called him while he burglarized the casino. Mr. Nollette said that Mr. Wilcoxon owed \$15,000 to someone and also helped his mother out.
- 8) On June 14, 2013, the Detective interviewed a friend of Mr. Wilcoxon's. The friend said that on the night of the burglary, Mr. Wilcoxon and Mr. Nollette showed up at his house around 02:00 hours. The friend said Mr. Wilcoxon and Mr. Nollette were "very excited and hyper" and Mr. Wilcoxon said "he had pulled off the burglary at Lancer lanes." Mr. Wilcoxon explained that he turned off the power for the security camera at the casino then got into the

cage where the money was. About three days later, Mr. Nollette gave the friend \$1,000 cash that he owed him for the time he lived with him.

- 9) On June 15, 2013, the Detective talked to the owner of Lancer Lanes and was advised that Mr. Wilcoxon didn't show up for his shift. The Detective was advised that the night before Mr. Wilcoxon was trying to find someone to take his shift for him because "he was afraid he was going to be arrested."
- 10) In the report, the Detective stated he believed Mr. Wilcoxon and Mr. Nollette were involved in the burglary based on the following:
 - Mr. Wilcoxon was employed at the casino and is very familiar with the business.
 - Mr. Wilcoxon lured E1 to go drinking that night because he knew E1 would sometimes spend the night at the business.
 - Mr. Wilcoxon organized a party with other employees at a bar, and then left the party around 01:30 hours giving him the opportunity to commit the burglary.
 - Mr. Wilcoxon and Mr. Nollette made a trip to Las Vegas for eight days. While there, Mr. Wilcoxon played in several high stakes tournaments, including one that had a \$1,500 entry fee.
 - Mr. Wilcoxon told the Detective during the interview that he and Mr. Nollette planed on moving to Las Vegas.
 - The suspect in the second burglary attempt was scared off by E1 and would know that E1 would have to be away from the business to for a burglary to occur.

VIOLATIONS:

1) RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4)² of this section: PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal;

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

3) RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Troy J. Wilcoxon was the subject of pending felony charges filed after he burglarized his former employer's establishment, Lancer Lanes. Mr. Wilcoxon has failed to establish clearly and convincingly that he is qualified for licensure, as required by RCW 9.46.153(1). Therefore, under RCW 9.46.075(1), (2), (8), (9) and (10), and WAC 230-03-085(1) and (8), grounds exist to revoke Troy J. Wilcoxon's license.

² (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

IV.

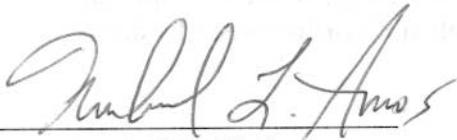
CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Troy J. Wilcoxon's license to conduct gambling activities under the authority of the RCW 9.46.075, and WAC 230-03-085.

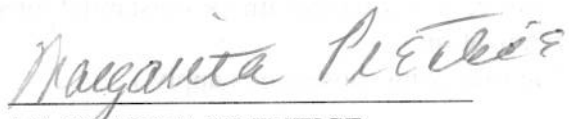
DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Troy J. Wilcoxon's license to conduct gambling activities is REVOKED.

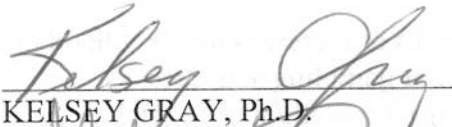
DATED this 13th day of February, 2014.



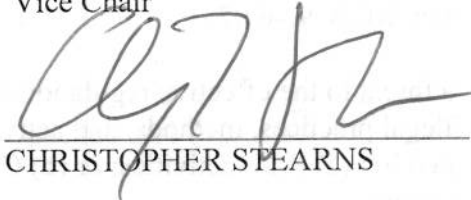
MICHAEL AMOS, Chair



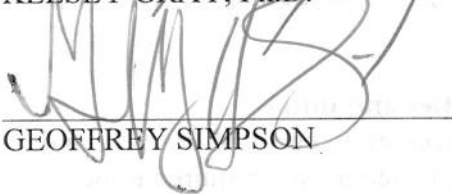
MARGARITA PRENTICE,
Vice Chair



KELSEY GRAY, Ph.D.

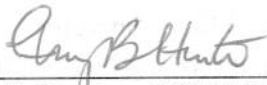


CHRISTOPHER STEARNS



GEOFFREY SIMPSON

PRESENTED BY:



Amy B. Hunter, WSBA# 23773
Administrator, Communications and Legal Division
Washington State Gambling Commission

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and also served upon both the Commission and the Office of the Attorney General within thirty (30) days after the date this Final Order is served upon you.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

Gregory J. Rosen
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100

STATE OF WASHINGTON)
)SS
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 18 day of February, 2014

Maurice Protell

Communications and Legal Department
Washington State Gambling Commission

STATE OF WASHINGTON
COUNTY OF THURSTON

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